

STATE OF MICHIGAN
COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

JEFFREY ARSHAG MAMASSIAN,

Defendant-Appellant.

UNPUBLISHED

August 2, 2005

No. 253055

Oakland Circuit Court

LC No. 2003-191478-FH

Before: Borrello, P.J., and Bandstra and Kelly, JJ.

MEMORANDUM.

Defendant appeals as of right his jury trial conviction of carrying a concealed weapon, MCL 750.227. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

We review de novo a challenge to the sufficiency of the evidence, viewing the evidence in a light most favorable to the prosecution to determine whether any rational trier of fact could have found that the essential elements of the crime were proven beyond a reasonable doubt. *People v Johnson*, 460 Mich 720, 723; 597 NW2d 73 (1999); *People v Herndon*, 246 Mich App 371, 415; 633 NW2d 376 (2001).

Defendant argues that there was insufficient evidence to support his conviction where he was carrying a concealed weapon in conformity with his Florida concealed weapon license and the evidence did not establish that he was a Michigan resident. MCL 750.227(2) prohibits the carrying of a concealed pistol without a license and, if a person has a license, prohibits the carrying of a concealed weapon inconsistent with the restrictions of that license. The prohibition against carrying a concealed weapon does not apply to a person holding a valid license issued by the state of his residence if the person is carrying the weapon in conformance with the restrictions on the license. MCL 750.231a(1)(a).

In *People v Williams*, 226 Mich App 568, 573; 576 NW2d 390 (1997), quoting *Curry v Jackson Circuit Court*, 151 Mich App 754, 759; 391 NW2d 476 (1986) (citations omitted), this Court discussed the issue of residency as related to the concealed weapon statute:

The issue of a person's domicile is principally a question of intent, and is resolved by reference to all the facts and circumstance of the particular case. Proof of domicile does not depend on any particular fact, but on whether all the facts and

circumstances taken together tend to establish it. All acts indicative of purpose must be carefully scrutinized.

Further, “[c]ircumstantial evidence and reasonable inferences drawn from it may be sufficient to establish the elements of a crime. Minimal circumstantial evidence is sufficient to prove an actor’s state of mind.” *People v Fennell*, 260 Mich App 261, 270-271; 677 NW2d 66 (2004).

Here, there was more than minimal circumstantial evidence from which a rational trier of fact could have found that defendant’s intent was to be a Michigan resident. Defendant resided in Michigan from October 2002 to June 2003, had a Michigan driver’s license, had his car registered in Michigan, was registered to vote and had voted in Michigan, and had a Michigan resident fishing license. Therefore, there was sufficient evidence to sustain defendant’s conviction.

We affirm.

/s/ Stephen L. Borrello
/s/ Richard A. Bandstra
/s/ Kirsten Frank Kelly